

WATER DISTRICT #63

RENTAL POOL PROCEDURES

RULE 1. AUHORITY AND STATEMENT OF PURPOSE

- 1.1 These procedures have been adopted pursuant to Idaho Code, Section 42-1765 to assure orderly operation of the Boise River Rental Pool by the Water District No. 63 Rental Pool Committee. Under no circumstances shall these procedures be construed to limit or restrict the authority of the Director of Water Resource Board, Water District No. 63 Advisory Board or the Boise River watermaster in discharging their duties as set fourth in the statutes of the state of Idaho. Anyone renting water from such space for irrigation shall be subject to all applicable water laws of the state of Idaho and the Bureau of Reclamation.
- 1.2 It is the purpose of these procedures to:
 - a. Provide a process, consistent with the Idaho Code, by which stored water supplies may be made available for a specified period of time to water users who needs additional water.
 - b. Provide incentives for those owning reservoir space and having stored water, which is surplus to their needs, to make such space/water available to other users, and which will serve to protect the local public interest.
 - c. Establish a recognized system through which water supplies can be located, identified and subsequently leased.
 - d. Provide a source of revenue for Water District # 63 to make improvements in distribution of water and aid in increasing the conservation of water on the Boise River.
 - e. Provide the available water supplies may be leased to the rental pool by the Lessor and rented from the rental pool for any beneficial purpose recognized by the laws of the state of Idaho, provided that other water rights are not injures, irrigators are not deprived of supplemental storage by renting water for users other than irrigation, and the use is consistent with the conservation of water resources within the state of Idaho.

RULE 2. DEFINITIONS

- 2.1 **Acre-foot** is a volume of water sufficient to cover on acre of land one foot deep.
- 2.2 **Year** refers to normal calendar year.
- 2.3 **Board** means the Idaho Water Resource Board.
- 2.4 **Bureau** means the federal Bureau of Reclamation or USBR.
- 2.5 **Committee** means the Advisory Board of Water District No. 63.
- 2.6 **Department** means the Idaho Department of Water Resources or IDWR.
- 2.7 **Director** means the Director of the Idaho Department of Water Resources.
- 2.8 **District** Means Boise Water District No. 63.
- 2.9 **Lease** or **Assignment** is the agreement through which a specific amount of space or/stored water is leased to the Rental Pool for use during a specified period of time.
- 2.10 **Lessor** is the entity providing space/water to the Rental Pool.
- 2.11 **Person** means any company, corporation, association, firm, agency, individual, partnership, government or other agency.
- 2.12 **Rental Pool** refers to the water leasing and rental activities administered by the local committee appointed by the Water Resource Board.
- 2.13 **Space** means all or any portion of the active capacity of a federal reservoir measured in acre-feet.
- 2.14 **Stored Water** is the water that accrues to reservoir space and is available for use.
- 2.15 **Watermaster** means the watermaster of Water District No. 63.
- 2.16 **Rent** or **rental** means a written contract for the exclusive use of stored water leased to the committee for a determinate period for a specified price.
- 2.16 **Renter** means the person renting water from the rental pool.

RULE 3. GENERAL

- 3.1 It is the policy of the Water users of District No. 63 and the Committee to operate the Rental Pool for the maximum beneficial use of available stored water.
- 3.2 Operation of the Rental Pool will be by and for the irrigators within the district through the Committee. These procedures are designed to assure that stored water is maintained and first made available for irrigation use.
- 3.3 The operation of the Rental Pool shall be consistent with the statutes creating the Water Supply Bank, the rules of the Board and the provisions of the contracts with the United States.
- 3.4 Space is accepted for the Rental Pool on a contingency basis. Payments to the lessor will be made only if stored water is subsequently rented from the Rental Pool.
- 3.5 The space of storage water leased to the Rental Pool that is rented for users outside the hydrologic basin of the Boise River or below the confluence of the Boise River and the Snake River shall be the last space to fill in the ensuing year.

RULE 4. MANAGEMENT

- 4.1 The Committee shall have the following responsibilities:
 - a. To provide direction to the watermaster in the operation of the Rental Pool within the overall framework of the adopted procedures.
 - b. To set policies for the investment and disbursement of funds generated by the Rental Pool in conformity with the Public Depository Law, Chapter 1, Title 57, Idaho Code.
 - c. To notify the Director and watermaster of rentals where stored water will be moved from the place of use authorized by the permit, license of decree establishing the stored water right.
- 4.2 The watermaster shall act as the manager of the Rental Pool. His authority shall include accepting space into the Rental Pool, executing leases on behalf of the Committee, accepting and disbursing funds generated through the rental of stored water, and distribution of rented water.
- 4.3 The Committee shall decide all issues by a majority vote.

RULE 5. ASSIGNMENTS

- 5.1 All assignments of space to the Rental Pool and rental of stored water shall be for a term of one year.
- 5.2 Any contracting entity, which owns space in a reservoir located in the district, may assign any portion of its space to the Rental Pool.
- 5.3 When a lesser has space in more than one reservoir the assignment designation shall be in the order: Lucky Peak Space, Anderson Ranch Space and Arrowrock/Lake Lowell Space.
- 5.4 Assignments of space are subject to the acceptance by the Committee. Space submitted for assignment may be rejected in whole or part by the Committee or it may place special conditions on uses, allocation, and price if, in the judgment of the Committee, accepting said space will not be in the best interest of the Rental Pool and Water District No. 63
- 5.5 Any lesser, renter, or applicant aggrieved by a decision of the Rental Pool Committee on matters related to the operations of the Rental Pool may request a hearing before the Committee within 15 days after receiving notice in writing of the decision. After hearing the grievance and after review by the Committee, a decision will be made by the Committee in writing, setting forth the reasons for its decision, and said review decision must be signed by a majority of the Committee. The decision of the Committee may be appealed to the Board.
- 5.6 Assignments of space to the Rental Pool shall be on the priority basis as set forth in paragraph 6 of these procedures.
- 5.7 Assignments of space shall be in writing and on forms provided by the watermaster and shall bear the date they were received in the watermaster's office in Boise, Idaho.
- 5.8 All space assigned to the Rental Pool, shall be under the control of the watermaster and Committee for the duration of the lease.

RULE 6. LESSOR PRIORITIES

- 6.1 When a lessor assigns space to the Rental Pool, the stored water attributable to such space shall be determined by the watermaster according to the percentage the reservoir fills.
- 6.2 All stored water attributable to space assigned to the Rental Pool before July 1 will be rented before any stored water from space assigned after July 1.

- 6.3 Lessor, which assigns space to the Rental Pool by July 1, shall share proportionally in the proceeds from rentals of stored water attributable to such space.
- 6.4 Lessors which assign space to the Rental Pool after July 1, shall receive proceeds from the rentals of stored water attributable to such space on a “first come” basis whereby the first lessor to assign space shall be the first paid.
- 6.5 All space/water that has not been rented by the end of the year, shall revert back to the lessor, unless extended by the lessor.

RULE 7. RENTER PRIORITIES

- 7.1 Any stored water available through the Rental Pool shall be provided on a priority basis. The first priority for each time category is defined below. The second priority for each category consists of all water users not defined in that time category. Water shall be rent to second priority renters only upon specific findings of the Committee, in cases when all first priority uses are anticipated to be satisfied.
- 7.2 Prior to June 1 of each year, priority in acquiring stored water from the Rental Pool shall given to those irrigation entities owning contracted space in the various storage reservoirs.
- 7.3 After June 1 until July 15th of each year, priority shall be given to water users defined in paragraph 7.2 and other irrigation water users within the district.
- 7.4 After July 15th of each year priority shall be given to water users defined in paragraphs 7.2 and 7.3, and all other users within the district who desire to rent water, for beneficial purpose.
- 7.5 Sub-priority among water users of each priority listed above shall be determined by the date on which the water user’s signed rental and payment are received at the office of the watermaster in Boise. During periods of drought or special conditions, the Committee, with the Director’s approval, may develop additional or alternative procedures.
- 7.6 Any water user having once initiated a rental for stored water may request stored water in subsequent years by confirming, in writing, that all of the information on the original rental form is true and correct, and by identifying the amount of water he wishes to purchase. The priority in this case will be the date on which payment is received by the watermaster.

- 7.7 Water must be used by the renter no later than March 1 of the year following the calendar year in which storage occurs, unless an extension is granted by the Committee.

RULE 8. LEASE PAYMENTS AND RENTAL FEES

- 8.1 The price of stored water (including the administrative fee of \$0.50/acre-foot for in-basin and \$0.75/acre foot for out-of-basin) assigned to the Rental Pool shall be set by and approved by the Committee each year.
- 8.2 The rental price shall be \$14.00 for both in-basin out-of-basin per acre-foot, which includes an administrative fee and the 10% surcharge in compliance with Idaho Water Resource Board Water Bank Rule 6.2.
- 8.3 Payments to the lessors shall be made in accordance with paragraph 6 of these procedures and shall be based upon the data published in the annual report of the watermaster. Payments to the lessors shall be considered due and payable once the watermaster has calculated the actual water used within the district for the annual watermaster's report.